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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 ROOSEVELT REED,

9 Petitioner,

10 v.

11 RON HAYNES,

12 Respondent.

Case No. C17-1859-RAJ-JPD

ORDER GRANTING PETITIONER'S
MOTION TO AMEND PETITION

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14 This is a federal habeas action filed under 28 U.S.C. § 2254. Currently pending before
15 the Court is petitioner's motion to amend his federal habeas petition. Respondent has filed a
16 response to petitioner's motion in which he indicates that he does not oppose the proposed
17 amendment. The Court, having reviewed petitioner's motion, respondent's response, and the
18 balance of the record, hereby finds and ORDERS as follows:

19 (1) Petitioner's motion to amend his federal habeas petition (Dkt. 22) is GRANTED.
20 Petitioner states in his motion that he is seeking to amend his petition "to argue his claims
21 adequately and to frame these claims under the proper habeas statute [sic]." (*Id.* at 2.) In his
22 original petition, petitioner identified four grounds for relief including two grounds asserting that
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1 the trial court improperly admitted evidence and two grounds asserting that petitioner's trial
2 counsel rendered ineffective assistance. (*See* Dkt. 8.) Respondent filed an answer to that
3 petition in which he argued that petitioner's claims of evidentiary error raised only issues of state
4 law and therefore did not provide any basis for federal habeas relief, and that petitioner's
5 ineffective assistance of counsel claims were reasonably rejected by the state court. (*See* Dkt.
6 15.)


7 In his proposed amended petition, petitioner omits his claims of evidentiary error and
8 appears to expand on his claims of ineffective assistance of counsel. Respondent, in his response
9 to the motion to amend, states that he does not oppose the motion because the proposed
10 amendment will not prejudice him, because it is not likely to cause undue delay, and because it
11 does not appear that petitioner is acting in bad faith. (Dkt. 23 at 2.) Rule 15(a) of the Federal
12 Rules of Civil Procedure provides that the court should freely give leave to amend "when justice
13 so requires." Because petitioner has only one opportunity to challenge his state court conviction
14 under § 2254, absent special circumstances, and because it does not appear that amendment will
15 result in any prejudice to respondent or cause any undue delay in these proceedings, the Court
16 concludes that it is in the interests of justice to grant petitioner's request to amend his petition.

17 (2) Accordingly, the Clerk is directed to file petitioner's proposed amended petition
18 (Dkt. 22-1). Respondent shall file an answer to petitioner's amended petition within ***forty-five***
19 ***(45) days*** of the date on which this Order is signed. As part of such answer, respondent shall
20 state whether petitioner has exhausted available state remedies and whether an evidentiary
21 hearing is necessary. The answer will be treated in accordance with LCR 7(d)(3). Accordingly,
22 on the face of the answer, respondent shall note it for consideration on the fourth Friday after
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1 filing. Petitioner may file and serve a response to the answer not later than the Monday
2 immediately preceding the Friday designated for consideration of the matter, and respondent
3 may file and serve a reply not later than the Friday designated for consideration of the matter.

4 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for
5 respondent, and to the Honorable Richard A. Jones.

6 DATED this 6th day of June, 2018.

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8 JAMES P. DONOHUE
9 United States Magistrate Judge